

**U.S. Department of the Interior
Bureau of Land Management
San Luis Valley Field Office
46525 Highway 114
Saguache, CO 81212**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-F03-2014-015 CX

CASEFILE/PROJECT NUMBER (optional):

PROJECT NAME: Recreation – SRP Kit Carson Wagon Train

PLANNING UNIT: San Luis Valley #1

LEGAL DESCRIPTION: New Mexico Principal Meridian

T. 38 N., R. 7 E., Secs. 3, 4, 5, 10, 15, 21, 22, 28, and 33

T. 39 N., R. 6 E., Secs. 11, 12, 13, 22, 23, 24, 27, 34, 35, and 36

T. 39 N., R. 7 E., Secs. 31, 32, and 33

APPLICANT: Alice Lenich, Kit Carson Wagon Train

DESCRIPTION OF PROPOSED ACTION

The Proposed Action is to issue a new Special Recreation Permit (SRP) to Kit Carson Wagon Train for a commercially guided wagon train tour. The Proposed Action would allow the above applicant to conduct a guided wagon train tour with an overnight dispersed camping stop at the intersection of Nicomodes Gulch and Limekiln. Refer to Map 1 for the route of the guided wagon train and camping location, west of Monte Vista, CO. The purpose of the Kit Carson Wagon Train is to raise funds for the Wounded Warrior Project creating an authentic “old west” experience to their participants.

Authority to issue SRP’s is found in BLM SRP Handbook H-2930-1 and 43 CFR Part 2930.

Issuing an SRP is a discretionary action with final approval by the authorized officer.

Applications may be denied based upon factors such as non-compliance with land use plans or designations; a moratorium on permits issued as part of a planning process; the results of an environmental analysis; other resource values; an allocation system; public health and safety concerns; applicant’s past performance; or the inability of the managing office to issue, manage, and monitor the proposed use.

The Proposed wagon train tour begins on Private Property near the Rock Creek area and travels through BLM-managed lands ending at the Rifle Range Road as shown on Map 1 below. Their final destination is to ride into Del Norte, CO and participant in the Covered Wagon Days Events happening on August 2nd. The Proposed Action would authorize one night of camping on BLM during the 4 day wagon train tour, starting July 30th and ending August 2st. Kit Carson Wagon

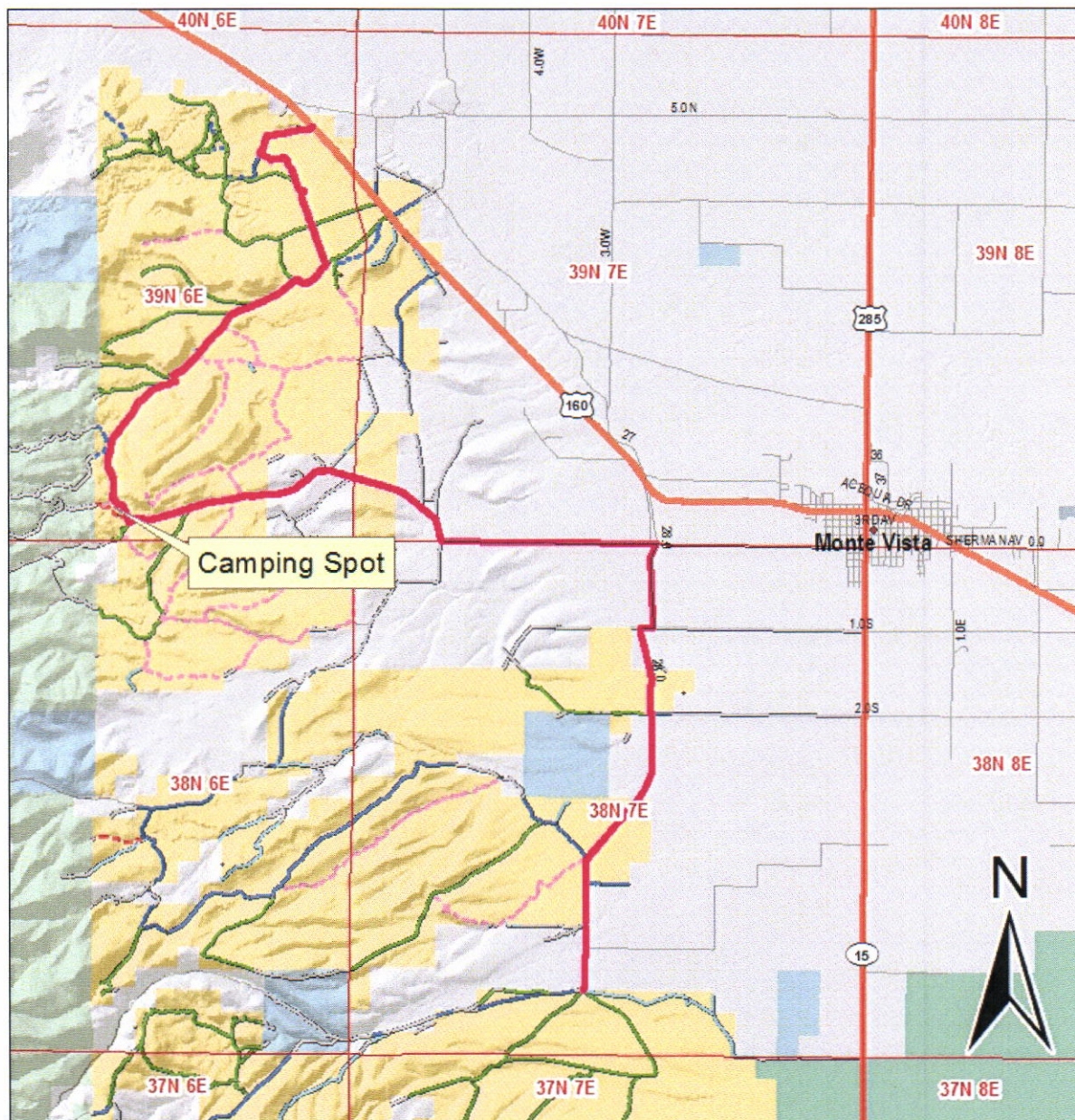
Train will consist of 5-8 covered wagons, 20-35 horseback riders and a few people walking with a maximum group size of 75 participants and 25 guides. A maximum of 8 sweep vehicles, trucks and trailers, will accompany the group and carry supplies to and from camping locations. The 1st and 3rd night camping location will be conducted on Private Property and the 2nd night camping location will be on BLM-managed land. The wagon train route will remain on existing public roads throughout their journey.

The night of July 31st, Kit Carson Wagon Train plans to disperse camp at the intersection of Nicomodes Gulch and Limekiln as shown on Map 2 and in Photo 1. The camp location is an existing disturbed area of high use concentration from the general public. The camp will be accompanied by the wagon train participants (explained above) and sweep vehicles. Sweep vehicles will consist of food, water, camp supplies, and three living quarter horse trailers. The group will camp within 4 large outfitter-type wall tents and living quarter horse trailers. All food and trash will be packed out of the site. Cooking will be accomplished using 2 open fires unless prohibited during periods of extremely high fire hazard by order of the BLM, the applicable county or State of Colorado in which case alternative means of cooking will be utilized. Gray water will be disposed of at least 200 feet from any stream or water source. Kit Carson Wagon Train will provide 2 portable waste facilities onsite. Horses will be tied to the onsite horse trailers or picket line strung between horse trailers. Leave No Trace practices will be used to minimize impacts.

Use of BLM public land is non-exclusive. If the camping location were in use at the time of proposed stay, the group would share the site. BLM public roads are open year around but are subject to closures based on weather conditions and resource protection at any time.

Compliance with the standard stipulations, terms and conditions for all permits is required. The permitted activity will be monitored by the BLM for adherence to the stipulations, terms and conditions in which holding the above applicant accountable for any violations.

Map 1: Overview of Wagon Train Route and Camping Location



 Wagon Route


0 2.5 5 Miles



Map Disclaimer - No warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty. The Bureau of Land Management reserves the right to correct, update, modify or replace this geospatial information without notification. For more information, contact the San Luis Valley Public Lands Center at (719) 852-6200.

Map 2: Aerial View of Camp Location:



 Wagon Route



0 0.025 0.05
Miles

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Photo 1: Campsite



PLAN CONFORMANCE REVIEW:

Name of Plan: San Luis Resource Management Plan

Date Approved: December 1991

Decision Number: 1-23

Decision Language: 1-23 Allow continued dispersed recreational opportunities on BLM-administered lands.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		x
2. Have significant impacts on such natural resources and unique		x

geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		x
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		x
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		x
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		x
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		x
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		x
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		x
10. Have a disproportionately high and adverse effect on low income or minority populations.		x
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		x
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		x

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Chris Boone	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds, Fisheries	CB 7/8/14
Sue Swift-Miller/Jill Lucero	Wildlife Biologist	Wetlands/Fisheries	SSM 06/25/2014
Melissa Shawcroft	Range Management Spec.	Range, Vegetation, Farmland	MJS 7/9/2014
Eduardo Duran	NRS	Riparian, T&E species	END 06/25/2014
Andrew Archuleta	Physical Scientist/Biologist	Minerals, Paleontology, Waste Hazardous or Solid, Invasive Plants	ASA 7/7/2014

Negussie Tedela	Hydrologist	Hydrology, Water Quality/Rights, Soils, Air Quality	NHT 06/20/2014
Sean Hines	Cadastral Surveyor	Cadastral Survey, Management of Land Boundaries	SJH 06/03/2014
Sean Noonan	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	STN 5/21/2014
Jeff Brown	Archaeologist	Cultural, Native American	JGB 6/17/2014
Leon Montoya	Realty Specialist	Realty	LAM 6/11/2014
Brian Garcia	LEO	Law Enforcement	BKG 7/8/2014
Paul Minow	Fuels Specialist	Fuels	PSM 5/28/2014

REMARKS:

Cultural Resources: The project will use existing BLM system roads and an area used extensively for camping by the public. As these areas have been extensively modified there is little likelihood that intact cultural features or in-situ cultural items remain. Due to the past disturbance, it is anticipated that there will be no adverse effects to historic properties.

Discovery and Education: All persons in the area who are associated with this permit shall be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh). If new cultural values are discovered during operations, all work in the vicinity of the resource will cease and the Authorized Officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Native American Religious Concerns: There are no known Native American concerns within the Area of potential Effect (APE).

Threatened and Endangered and Proposed Species:

Federally listed Threatened, Endangered and/or Proposed species do not occur within the proposed permitted location or the immediate surrounding area. In addition, the analysis area does not contain any suitable, critical or proposed critical habitat for any federally listed species.

Sensitive Species:

The BLM defines a Sensitive species as one that is not presently listed as Threatened or Endangered by the FWS, but a population viability concern has been identified (USDI BLM Colorado, 2009). Sensitive Species that have habitat and the potential to use the surrounding area outside of the proposed route are the milk snake, burrowing owl, ferruginous hawk, mountain plover, Gunnison prairie dog, and swift fox.

Migratory Birds:

An Executive Order (EO 13186) enacted in 2001 requires Federal agencies to consider the effect of projects on migratory birds, and directs agencies to review the list of Birds of Conservation Concern (BCC) (USDI Fish and Wildlife Service, 2008) developed for the Bird Conservation Regions (BCRs) of the United States when assessing species that may occur. Land administered by San Luis Valley Resource Area occurs within the Southern Rockies/Colorado Plateau Bird Conservation Region (BCR 16), which encompasses portions of Colorado, New Mexico, Arizona, Utah and Wyoming. Based on habitat within the proposed permitted location and the immediate surrounding area, the ferruginous hawk, mountain plover, burrowing owl, golden eagle, and prairie falcon, (5 species) may be present within the general vicinity.

Species Effects:

The wagon train activities are restricted to BLM roads and an already well used dispersed camping site. Therefore, effects to all species identified as having habitat within the area are expected to be very minimal and would not result in a measureable negative impact if present.

Protective/Mitigation Measures:

- 1) No recreational horseback riding outside of the permitted route in order to protect ground nesting birds

Invasive Species: All hay and/or straw used for feed, bedding, or other purposes shall be certified weed free.

Range Management: All horseback riders are required to ride on the road while traveling through Mr. Jan Klecker's private property along the Nicomodes road. While camped at the junction of the Nicomodes and Limekiln roads, special care and attention by all participants should be given to prevent any damage to the well infrastructure associated with the campsite, which is managed and maintained by the range allotment permittee (also Mr. Jan Klecker).

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Heather Salaz

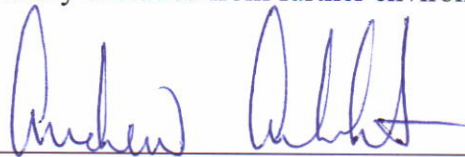
NAME OF ENVIRONMENTAL COORDINATOR: Martin Weimer

DATE: 7/10/14

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

A handwritten signature in blue ink, appearing to read "Andrew Archuleta", written over a horizontal line.

Andrew Archuleta, Field Manager

DATE SIGNED:

7/10/2014